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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,281	06/27/2001	Kenneth H. Abbott	29443-8020US3	5537

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,281

Applicant(s)

KENNETH H. ABBOTT ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-134 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66-93 and 95-134 is/are rejected.
- 7) ☒ Claim(s) 94 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6 . 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Pre-Amendment entered June 27, 2001 for the patent application number 09/894,281.

Priority

2. The present patent application claims priority from US Application 09/216,193 filed December 18, 1998.

Information Disclosure Statement

3. The submitted Information Disclosure Statements are considered ad entered into the file.

Status of the claims

4. The pending claims 66-134 as examined as follows:

Drawings

5. The submitted drawings are considered and entered into the file and will be reviewed by the Draftsperson's Patent Drawing Review (PTO-948).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 79-93, 95-114, and 131 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bushey et al** (6,405,159).

Bushey discloses a method for modeling system users that produces information that can be used in the design of an interface that maximizes the performance of the users, and also allows for the prediction of performance after the newly designed interface is operational.

With regard to claim 79:

Bushey describes a method for creating and providing a user interface using information from user models. Bushey also describes behaviors of a user group that is represented with multiple attributes. The behaviors may include navigational behaviors; parallel processing behaviors, and customer sales behaviors. Each group may include multiple users or members. The method includes behaviors of a variety of types of users, which are categorized into two, or more groups based on the received described behaviors. Data related to the important behaviors are obtained (received) from a plurality of users. At least one user is selected from each user group. A value for the described behavior can be generated based on the gathered information (Bushey, column 2, lines 39-column 3, lines 50; column 5, lines 47-61; column 13, lines 66-column 14, lines 6; column 21, lines 18-column 22, lines 3).

With regard to claim 80:

As per “generating a value for the indicated one attribute based on the gathered information; and providing an indication of the generated value of the one attribute.” (column 14, lines 24-32).

With regard to claim 81:

As per “each of the determined characterization modules executes on a distinct computer and models a state of a user of that computer, and wherein the group includes the users of the distinct computers.” (column 15, lines 30-38).

With regard to claim 82:

As per “each of the determined characterization modules executes on a distinct computer and models a state of that computer, and wherein the group includes the distinct computers.” (column 17, lines 26-41).

With regard to claim 83:

As per “the group includes the determined characterization modules.” (column 16, lines 44-59).

With regard to claim 84:

As per “the first state aspect modeled by the one attribute represents information about a physical environment common to computers on which the determined characterization modules are executing or common to users of those computers.” (column 6, lines 64-66).

With regard to claim 85:

As per “the first state aspect modeled by the one attribute represents information about a cyber-environment common to computers on which the determined characterization modules are executing or common to users of those computers.” (column 3, lines 1-7).

With regard to claim 86:

As per “the determined characterization modules are hierarchically organized such that at least some of the characterization modules are supervisors each having an associated group of other subordinate characterization modules, and wherein the first state aspect modeled by the one attribute is related to a state of the hierarchical organization.” (column 16, lines 44-59).

With regard to claim 87:

As per “each of the determined characterization modules is specialized to model a portion of a state of a single user, and wherein the first state aspect modeled by the one attribute is related to a state of the user that is represented by a combination of information for multiple of the modeled portions.” (column 3, lines 8-30; column 5, lines 47-61).

With regard to claim 88:

As per “the first state aspect modeled by the one attribute represents an aggregation of state information for each of the members of the group.” (column 6, lines 5-20).

With regard to claim 89:

As per “the first state aspect modeled by the one attribute represents a collective aspect of the members of the group.” (column 5, lines 1-30).

With regard to claim 90:

As per “the first state aspect modeled by the one attribute represents state information for a selected subset of the members of the group.” (column 16, lines 44-59).

With regard to claim 91:

As per “the first state aspect modeled by the one attribute represents a state shared by each of the members of the group.” (column 17, lines 26-41).

With regard to claim 92:

As per “the modeled first aspect of the state of the group reflects a current state of the group.” (column 17, lines 26-41).

With regard to claim 93:

As per “the received indication of the one attribute additionally includes an indication of characterization modules, and wherein the determining of the characterization modules includes selecting the indicated characterization modules.” (column 23, lines 1-39).

With regard to claim 95:

As per “the determined characterization modules are remote from each other such that the gathering of the information involves gathering distributed information.” (column 23, lines 1-39).

With regard to claim 96:

As per “a user of the first computer is one of the members of the group.” (column 23, lines 33-39).

With regard to claim 97:

As per “the first computer is one of the members of the group.” (column 19, lines 60 to column 20, lines 18).

With regard to claim 98:

As per “the indicated one attribute models information about a mental state of the members of the group.”(column 19, lines 21-26).

With regard to claim 99:

As per “the indicated one attribute models information about a physical environment of the members of the group.” (column 6, lines 64-66).

With regard to claim 100:

As per “the indicated one attribute models information about a cyber-environment of the members of the group.” (column 7, lines 1-3).

With regard to claim 101:

As per “the indicated one attribute models a current prediction about a future state.” (column 23, lines 50-65).

With regard to claim 102:

As per “receiving a request from a client for a value of the indicated one attribute and supplying the value to the client.” (column 23, lines 1-32).

With regard to claim 103:

As per “receiving of the supplied value by the client prompts the client to present information to a user.” (column 17, lines 32-41).

With regard to claim 104:

As per “the determining of the multiple characterization modules is based on previously received registration messages from each of the multiple characterization modules that indicate the accessible aspects.” (column 5, lines 1-20).

With regard to claim 105:

As per “security information must be received for a determined characterization module before any information is accepted from that characterization module.” (column 7, lines 55-61).

With regard to claim 106:

As per “providing security information to at least some of the determined characterization modules to facilitate the gathering of the information from those determined characterization modules.” (column 9, lines 55-61).

With regard to claim 107:

As per “under control of a client, generating the value for the indicated one attribute after receiving the gathered information.” (column 7, lines 5-17).

With regard to claim 108:

The claim, while not necessary identical in scope, contains limitations similar to independent claim 79, and therefore is rejected under the same rationale.

With regard to claim 109:

As per “the computer-readable medium is a memory of the computing device.” (column 15, lines 24-38).

With regard to claim 110:

As per “the computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents.” (column 15, lines 24-38).

With regard to claim 111:

The claim, while not necessary identical in scope, contains limitations similar to independent claim 79, and therefore is rejected under the same rationale.

With regard to claim 112:

As per “the receiver component and the group state component are executing in memory of the computing device.” (column 15, lines 24-38).

With regard to claim 113:

As per “multiple sources and multiple clients executing in memory of the computing device.” (column 15, lines 24-38).

With regard to claim 114:

The claim, while not necessary identical in scope, contains limitations similar to independent claim 79, and therefore is rejected under the same rationale.

With regard to claim 131:

The claim, while not necessary identical in scope, contains limitations similar to independent claim 79, and therefore is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-78, 115-130, and 132-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushey et al (6,405,159) as applied to claims 79-107 above, and further in view of Bunte et al (5,873,070).

With regard to claims 1-78:

The features recited in these claims recite similar features as recited in the rejected claims (claims 79-107), respectively, except these claims call for a method in wearable computer environment. While Bushey describes a method in a computer system describing all the features cited in these claims, but the computer system cited is not shown to be a wearable computer as claimed in these claims.

Bunte describes a data collection system in a wearable computer. The data may include user's data such as user's interaction with the system. The data also may also include the user location and environment. The data collection system includes at least a partially wearable data collection terminal, associated peripherals, and a communication system. The data collection system may utilize a wearable data collection terminal having a computer processor, associated memory, inputs, and outputs (Bunte, Abstract). Therefore, it would have been obvious to one ordinary skill in the art at the time this invention was made to use the Bunte's wearable computer system in place of Bushey's because the advantages of portability systems outweighs the stationary (desktop) computer systems. Such advantages may include at least mobility, hands free operation, augmented reality, context driven computing. Furthermore, adding or incorporating more sensors to the wearable computer systems would yield a better collection and interpretation of data signal.

With regard to claims 115-130:

These claims call for a method in a portable computer for providing information about a shared context of a multiple users of portable computers. These claims, while not necessary identical in scope, contain limitations similar to independent claims 1-78, respectively and therefore are rejected under the same rationale.

With regard to claims 132-134:

These claims call for a portable computer for providing information about a context of a group of multiple users. These claims, while not necessary identical in scope, contain limitations similar to independent claims 1-78, respectively and therefore are rejected under the same rationale.

Allowable Subject Matter

8. Claim 94 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of records fails to disclose a method in which “determining whether the information gathered from one of the determined characterization modules satisfies a criteria; and when it is determined that the gathered information does not satisfy the criteria, obtaining additional information from the one determined characterization module that satisfies the criteria and replacing the gathered information from the one determined characterization module with the obtained additional information.”

Conclusion

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

Art Unit: 2173

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadese Hailu
Feb 17, 2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER